

ACTION WHA-00

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RELEASED IN PART
B1, 1.4(D)

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INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	DOEE-00	PERC-00	DS-00	EB-00	H-00	TEDE-00	INR-00
	IO-00	LAB-01	L-00	AC-00	NRC-00	NRRC-00	NSAE-00
	OES-00	OIC-00	NIMA-00	PA-00	MCC-00	PM-00	PRS-00
	ACE-00	P-00	FMPC-00	SP-00	STR-00	TRSE-00	SCRS-00
	PMB-00	DSCC-00	PRM-00	TDOE-00	DRL-00	G-00	NFAT-00
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P 061132Z MAY 05
FM AMEMBASSY CARACAS
TO SECSTATE WASHDC PRIORITY 0553
INFO AMEMBASSY BOGOTA PRIORITY
AMEMBASSY BRASILIA PRIORITY
AMEMBASSY LA PAZ PRIORITY
AMEMBASSY LIMA PRIORITY
AMEMBASSY QUITO PRIORITY
AMEMBASSY SAN SALVADOR PRIORITY
NSC WASHDC PRIORITY
HQ USSOUTHCOM MIAMI FL PRIORITY

C O N F I D E N T I A L CARACAS 001389

NSC FOR CBARTON
USCINCSO ALSO FOR POLAD

E.O. 12958: DECL: 05/04/2015
TAGS: PGOV, PHUM, KJUS, VE
SUBJECT: VENEZUELAN POLITICAL PROSECUTIONS UPDATE

Classified By: A/DCM ABELARDO A. ARIAS FOR REASONS 1.4 (d)

Summary

1. (U) Venezuelan judges will soon open hearings to decide whether Venezuelan Workers' Confederation President Carlos Ortega, detained since March 1 2005, and former Miranda Governor Enrique Mendoza will stand trial for civil rebellion. A judge in Aragua is in the midst of hearings to decide whether to send former Caracas Metropolitan Police officials Lazaro Forero, Henry Vivas, and Ivan Simonovis, all detained since late 2004, to trial for conspiracy to commit murder in relation with the events of April 2002. The Penal Chamber of the Supreme Court reinstated the conviction of Gen. Carlos Alfonzo Martinez, making him once again subject to court restrictions on his movement and speech. A judge

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April 12 convicted journalist Patricia Poleo of defaming Interior Minister Jesse Chacon, and sentenced her to six months in prison, though she is free pending appeal. There have been no recent developments in the investigation into the murder of prosecutor Danilo Anderson, or in the case against Gen. Felipe Rodriguez, presently in custody in Yare prison. End Summary.

Enrique Mendoza

2. (U) Prosecutors Jose Benigno Rojas and Gledys Carpio formally opened an investigation of former Miranda Governor and Democratic Coordinating Committee leader Enrique Mendoza March 14. The charges are civil rebellion, conspiracy, instigation to commit crimes, incitement to disobey the law, damage to public buildings, using violence to prevent the functioning of the public powers, and interruption of telecommunications. All stem from Mendoza's alleged involvement in the closure of Venezuelan de Television on April 11, 2002. On April 26 the judge postponed Mendoza's next hearing indefinitely, at the request of Mendoza's lawyer who alleged that the accusation was excessively vague. Mendoza is not subject to any court ordered restrictions at this time.

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Carlos Ortega

4. (U) Prosecutor Luisa Ortega on April 12 formally accused Venezuelan Workers' Confederation President Carlos Ortega with civil rebellion, instigation to commit crimes, and using a false public document. Ortega has been detained since his arrest on March 1, and is now in Ramo Verde military prison. The next hearing is scheduled for May 6.

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Vivas, Forero, and Simonovis

6. (U) Carlos Bastides, Ivan Simonovis's defense lawyer, told reporters May 3 he expected one more day of hearings before a judge rules whether Henry Vivas, Lazaro Forero, and

Simonovis are to stand trial as "necessary accomplices in complicity to commit murder", in relation to the deaths of two persons on April 11, 2002. Prosecutor Luisa Ortega alleges that the three former leaders of the Metropolitan Police (PM) ordered PM officers to open fire on Chavez supporters who confronted the opposition march on April 11, 2002. Simonovis was in charge of Security for Greater Caracas, Vivas was head of the PM, and Forero was his deputy.

Bastides told reporters he has little hope that the judge will not send the case to trial, given the political nature of the prosecution, but said he hoped the judge would allow the defendants to be tried in liberty, given that three Chavez supporters who turned themselves in recently in relation to the April 2002 events were released on bail.

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Gen. Carlos Alfonzo Martinez

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8. (U) The Penal Chamber of the Supreme Court April 14 revoked the October 2004 Appeals Court ruling throwing out all criminal charges against Gen. Carlos Alfonzo Martinez. The decision, written by former military Prosecutor General now President of the Penal Chamber Eladio Aponte Aponte, is based on the prosecution's claim that 2nd Appeals Court Judge Jesus Ollarves acted improperly when he rejected a motion to recuse himself and another judge from the case. The decision reinstates the conviction of Gen. Alfonzo for violating security zones (for which he had been sentenced to five years probation, and forbidden to speak with the media), and orders the original appeal to be reheard by another appeals court. On May 2 the 4th Appeals Court was assigned to hear the appeal again. The Commission of Judicial Restructuring ruled April 21 that Ollarves should be investigated for his decision not to accept a prosecution demand that he separate himself from the case.

Patricia Poleo

9. (U) A Caracas court found journalist Patricia Poleo guilty of defaming Interior Minister Jesse Chacon April 12, and sentenced her to six months in prison. The charges related to Poleo's publication of a photograph that allegedly showed Chacon standing over someone killed at the Venezuelan Television offices during the February 1992 coup attempt. Poleo is free pending appeal. It is unclear whether she will have to serve jail time for this conviction.

Anderson and El Cuervo Cases Stalled

10. (U) There have been no new developments in the Anderson murder investigation. Two of the three suspects in custody, the former police inspectors Otoniel and Roland Guevara, were transferred from DISIP headquarters, where they had been detained since their arrest, to the Yare II prison, defense lawyer Pedro Castillo told reporters April 28. Gen. Felipe Rodriguez was charged with civil rebellion, instigation of rebellion, conspiracy against the president, illegally carrying a weapon, bombing a diplomatic mission, conspiracy, and assault on March 6. He was transferred from Military Intelligence headquarters to Yare I March 21, despite a court order that he be transferred to the military prison Ramo Verde. His family has public charged that he is being held

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in extremely poor conditions.

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